

REMARKS

The Office Action of July 8, 2011 has been reviewed and the Examiner's comments carefully considered. The present Amendment modifies claim 1 in accordance with paragraphs [0025], [0027], and [0033] of the originally filed specification. No new matter has been added. Accordingly, claims 1 and 2 are pending in this application, and claim 1 is in independent form.

Initially, Applicants note that page 6 of the Office Action indicates that the Office Action has been made final in view of Applicants' previously filed Amendment. Applicants respectfully point out that the previously filed Amendment was submitted with a Request for Continued Examination. Accordingly, the paragraph on page 6 of the Office Action appears to be a typographical error and Applicants are treating the Office Action as being non-final as indicated in the Office Action Summary. If the Office Action was intended as final, the Examiner is invited to contact Applicants' undersigned Attorney to discuss the Examiner's reasoning in further detail.

The Examiner has indicated a new rejection of claims 1 and 2 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,789,393 to Dais et al. (hereafter Dais patent) in view of U.S. Publication No. 2003/0026929 to Usui et al. (hereafter Usui publication). In particular, the Examiner indicates the specific reasons by referring to Fig. 4 of Dais and alleges that this reference teaches the various features of independent claim 1 of the present application. However, Applicants respectfully request that the Examiner review this specific disclosure in the Dais patent.

The Dais patent is directed to a cooling container which stores a variety of products within the container and maintains such products at a reduced temperature. The cooling container comprises a sealed cavity defined by first (inner) and second (outer) walls of the container, and a coolant disposed within the sealed cavity. And the Dais patent discloses how to prevent a rupture of the walls when the pressure within the sealed cavity is increased by heat. Figs. 1-5 show one embodiment of the Dais patent. In this embodiment, the cooling container 36 comprises an outer wall 42 having an opening 72 at the bottom portion thereof, and an inner wall 39 having a projection portion 69 at the bottom portion thereof. And as the Dais patent says, "[t]he projection portion 69 is vibration welded within an opening 72 of the second container portion 42" (column 5 lines 18-20), as shown in Fig. 4A. Further, the Dais patent also explains as follows:

“When sufficient elevated pressure is reached, the walls of the first and second container portions 39 and 42 push away from one another with sufficient force to cause separation (rupture) of the first connection region 63. During separation, the base portion 54 carries the projection portion 69 upwardly away from the base portion 57, thereby removing the projection portion 69 out of the opening 72 and exposing the cavity 51 to the opening 72 as illustrated in Fig. 4B. Exposure of the opening 72 allows steam from the heated gel (or other heated coolant in vapor and/or solid form) to escape from the cavity 51. This prevents the walls of the container 36 from rupturing” (column 5 lines 28-39).

That is, in the Dais patent, the container is configured so as to have the opening 72 of the outer wall 42 being closed by the projection portion 69 as an actual structure of the container. Fig. 4B of the Dais patent merely shows a function (movement) of the container.

In addition to this, the cooling container of the Dais patent does not disclose an annular portion which formed so as to have the distal end thereof positioned with a space to a bottom portion of the container body. Therefore, the air within the space (between the container body and the outer shell) cannot communicate smoothly with the outside via a lower end opening of the tubular portion.

On the other hand, claim 1 recites, *inter alia*:

wherein the annular portion is formed so as to have the distal end with a space to a bottom portion of the container body so that air within the space heated by heated food in the container body is communicated with the outside via a lower end opening of the tubular portion (emphasis added).

According to the claim 1, the air within the space (between the container body and the outer shell) can communicate with the outside via the space (between the bottom portion of the container body and distal end of the annular portion) and the end opening without deforming or rupturing of the container.

Therefore, Applicants submit that independent claim 1 is allowable, since the prior art of record, including the Dais patent, fails to teach or suggest all of the limitations of claim 1.

As mentioned above, Applicants maintain that the previous version of independent claim 1 adequately recited the different structures from the Dais patent concerning the gaseous communication properties between the space and the outside.

Applicants have further amended independent claim 1 to include the following:

and the annular portion is folded back towards an inside of the tubular portion and is tapered towards the distal end so as to be away from the inner peripheral surface of the tubular portion.

According to the claim 1, as amended, the taper-shaped annular portion folded back from the tubular portion has enough strength against an external force in the radial direction; therefore, the structure may prevent a deformation of the tubular portion in the radial direction. In addition, the above-mentioned features of the annular portion enable support of the container by the annular portion and holding of the annular portion.

On the other hand, the cooling container of the Dais patent does not teach or suggest such a structure as recited in claim 1.

Usui is cited for the teaching of a dual layered insulating container formed from a foamed resin sheet with an air space which is formed of a foamed resin sheet. Usui does not address the above-noted deficiencies in the teachings of Dais with respect to independent claim 1, as amended. Usui, therefore, fails to fairly suggest a modification to the container taught by Dais that achieves the invention claimed in claim 1.


For the foregoing reasons, independent claim 1 is not anticipated by or rendered obvious over the Dais patent, the Usui publication, or any of the prior art of record, whether used alone or in combination. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner that would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claim 1 is respectfully requested.

Claim 2 depends directly from and adds further limitations to independent claim 1 and is believed to be allowable for at least the reasons discussed hereinabove in connection with independent claim 1. Therefore, reconsideration of the rejection of claim 2 is respectfully requested.

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For all of the foregoing reasons, Applicants respectfully submit that claims 1 and 2, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of pending claims 1 and 2 are respectfully requested.

Respectfully submitted,
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